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ABSTRACT

This report is intended to provide useful information to members of California's State Board of Education, who have varying levels of knowledge about special education. The first chapter reviews the evaluation of special education laws and describes court cases affecting special education. Chapter 2 examines two basic issues: the proper role of public schools in the treatment of handicapped children and who should be served in special education. Governance structure is the focus of chapter 3, which considers the role of board members in special education matters. A case study of governance conflict and its resolution in a rural region of 22 districts is the topic of chapter 4. Among appended material are a summary of service delivery systems and a list of sample policies on organizational and placement issues. (CL)

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Special Education

Prepared by the Special Education Task Force
of the California School Boards Association • 1982

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Introduction

Special education in California is based on the principle that education is for all children, regardless of differences in ability. Consequently, state and local governmental units have attempted to extend appropriate educational opportunities to all individuals with exceptional needs so these individuals may realize the full potential of their abilities.

In response to growing concerns regarding the categorical programming and funding model for special education, the California State Board of Education in 1971 adopted as one of its top priorities the development of a Master Plan for Special Education to address this responsibility. Through much effort of professional, lay, and parent involvement the *California Master Plan for Special Education* was formally adopted by the State Board in January, 1974.

Today special education is an important element of every school district's program and purpose.

Special education programs provide services to children whose educational needs cannot be met by the district's regular program. Special education varies from limited speech therapy to regular class placement to full-time residential care. Special education helps students to correct temporary learning disabilities and provides lifetime survival skills to children with permanent disabilities. Special education is offered by specially trained professionals with different credentials than regular classroom teachers.

A child enters special education as a result of a teacher or parent request, followed by planned meetings to prepare the student's special education program. Parents have been given specific legal rights with regard to the referral, assessment and placement of their children in special education programs.

Special education involves selective placement varying from part-time assistance to full-time care depending on the child and his or her needs. Districts in California typically provide a continuum of service via the use of regional service delivery systems: Districts join together in regional arrangements to provide a wide range of necessary services. These regional arrangements save resources while providing better quality service to students.

Faced with the complexity of special education laws, board members are increasingly called upon to confront serious issues of governance, finance, equity and program quality. The goal of this report is to provide useful information to board members who have varying levels of knowledge about special education.

Chapter 1 tells the history of the evolution of special education laws that were often changed to remedy funding deficits, and describes landmark court cases which have made significant changes in special education.

Chapter 2 explores two major issues in special education in California in the 1980's.

Chapter 3 describes the governance structure and suggests the proper role of the board member in special education.

Chapter 4 is a case study of governance conflict and resolution in a multi-district region.

Appendix A describes the four special education settings. A glossary of terms is given in Appendix B, and Appendix C is an index of common abbreviations. Sample policies are given in Appendix D.

Chapter 1
Laws and Court Cases

Special education programs are governed by a network of complex federal and state laws, regulations and court cases. This chapter describes their development during the past decade.

History of Laws

Prior to 1974, California had a series of 28 separate categorical aid programs in special education designed to serve specific populations of handicapped students (such as deaf, blind, physically handicapped, etc.). The fragmentation resulting from the categorical approach was perceived as an obstacle to achieving high-quality special-education programs.

To improve this categorical system, the Master Plan for Special Education was developed by a large number of interested groups and individuals coordinated by the State Department of Education. In 1974 the Master Plan became law via AB 4040 (Lanterman), and was implemented on a pilot basis in 10 school agencies for four years.

The basic concepts contained in AB 4040 (Ch. 1532 Stats 1974) were as follows:

1. Services were to be provided on the basis of individual needs rather than categories of disability.
2. A comprehensive plan written at the local level would allow operating agencies to organize their programs according to local conditions.
3. Funding was to be based on services provided rather than on types of handicaps. Services were to be delivered in three major settings: Special Day Class, Resource Specialist and Designed Instruction and Services.
4. A full range of special education services were to be provided.
5. Services would be provided to each child through the least restrictive environment possible.

During the Master Plan's four-year pilot program, Congress passed Public Law 94-142, *The Education for All Handicapped Children Act* (1975). This act was essentially a civil rights act for handicapped children. Some of the important concepts in this legislation are as follows:

1. School districts must provide a free appropriate education for all handicapped children ages three to 21.
2. Each state was required to submit a plan describing how it would comply with the federal regulations.
3. Local operating agencies were required to draw up comprehensive plans describing how they would comply with their state's plan in meeting federal regulations.
4. Parental due process rights were established.

In California, it was apparent that with some modifications the State experimental Master Plan model could be extended to meet the federal mandates. Since AB 4040 was about to expire, new legislation was required to continue the Master Plan model: In 1977, AB 1250 (Lanterman, Chapter 1247) was enacted. The Master Plan as described in AB 1250 was California's mechanism to comply with the mandates of federal law as well as a blueprint for service delivery in special education. AB 1250 called for a three-year phase-in of the Master Plan statewide, with full implementation by 1980/81.

AB 1250 also reformed state support for special education, revising prior tax authorizations available to county offices of education. A local property tax was authorized for Master Plan agencies to support costs in excess of state aid. By 1977-78, thirty percent of the state had entered the Master Plan and used the property tax authorization.

Then, in June 1978, passage of Propostion 13 dramatically affected special education funding: districts that had entered prior to 1978-79 had their Master Plan funding built into the new Post-13 revenue limit; on the other hand, districts that had not previously entered the Master Plan would receive state aid for categorical programs or enter the Master Plan with only state support and not the local tax component.

Thus, after Proposition 13 passed, the state was faced with two delivery systems for special education: 70 percent of the State's special education was in categorical programs and 30 percent was in the Master Plan. To correct this inequity, SB 1870 (Ch. 797 Stats 1980) reenacted the Master Plan, unifying the funding system and imposing on all districts a 1981-82 implementation deadline. Its major provisions include the following:

1. Refinement of the governance structure between districts and counties: the structure was adjusted to include governing boards in regional decision-making.
2. Local general fund contribution to special education was frozen at 1979-80 levels for the 70 percent of the state not in the Master Plan.

Digest of California Legislation on Special Education

AB 4040 (Lanterman), Ch. 1532 Stats 1974: designed to implement the first phase of the Master Plan for Special Education.

AB 1250 Ch. 1247, Stats 1977: established a five-year phase-in period for statewide implementation of the Master Plan by July 1, 1981. With the passage of Proposition 13, local taxing authority established by AB 1250 was eliminated.

SB 1870 (Rodda) Ch. 797, Stats 1980: provided for statewide implementation of the Master Plan by the 1981-82 school year. Three features of the law were to (1) freeze local fund contribution at 1979-80 local levels, (2) funding was provided directly to the agency which provides services (where costs incurred), and (3) the number of classes funded by the state was limited within the Master Plan.

SB 769 (Sieroty) Ch. 1094, Stats 1981: attempted to offset the statewide deficit in special education by funding 3.6 million to match special education funds available under PL 94-142; also established funding caps on special education transportation and program specialists, and provided that the State Board of Education adopt regulations to provide specific criteria for identification of pupils with exceptional needs.

SB 1345 (Sieroty) Ch. 1201, Stats 1982: made reductions in the statewide deficit for both program levels at the 1981-82 levels, by providing $19 million to program and $16 million to the transportation deficit. The bill also made reductions in state mandates and other reforms.

Encroachment

When special education costs exceed state aid, federal aid, and local funds previously derived from local property tax revenues for special education, districts are required to spend local general funds to make up the loss. This local contribution made by the district from its own general funds is called "encroachment." Encroachment undermines the regular district budget because of its size and unpredictable nature. Encroachment grows

- When state aid is less than expected.
- As transportation costs grow (districts pay 20 percent of excess costs).
- As costs of nonpublic school placements grow (districts pay 30 percent of the excess cost).
- When staff salary increases exceed the percent inflation adjustment given to special education by the Legislature.

Encroachment is unpredictable when state aid deficits occur in January for a school year that is well underway. Encroachment is further complicated if the mechanism to distribute the deficit within the districts in a region is not clearly established prior to the state's announcing a deficit.

3. Special education funding for all districts and county offices was unified and revised. State aid was based on 1979/80 actual cost of providing service.

During its first year of implementation, SB 1870 ran into major difficulties: a $120 million deficit in state aid occurred, and tensions in some areas mounted as districts were forced to apportion the deficits between districts in a regional plan area. The Legislature responded by passing SB 769, which was designed to reduce the state aid deficit for 1981/82. Major features were as follows:

1. Limits were placed on allowable growth in special education enrollments.
2. State support for noninstructional costs (diagnostic and administrative personnel costs) was reduced.
3. Support for program specialists was reduced.
4. The mandate for aides for Resource Specialist Programs was reduced.
5. New restrictions were placed on nonpublic school enrollments.

In 1981-82, the state aid deficit in special education was less than it had been in 1980-81, but remained substantial: $52 million.

With the passage of SB 1345, Sieroty (Ch. 1201 Stats 1982), $35 million was provided as a stopgap measure to meet a portion of the $52 million deficit; $19 million was authorized to meet the program deficit and $16 million to cover the transportation deficit. The measure also included mandate reforms such as elimination of the program specialist mandate reforms such as elimination of the program specialist mandate, deletion of the average caseload requirement of 24 pupils for each resource specialist, and reduction in caseload requirements for speech and hearing specialists.

Various attempts are presently underway to resolve the funding deficit in special education. Since SB 1345 was only a stopgap measure, a special task force was appointed in the Spring of 1982 by then Superintendent of Public Instruction Wilson Riles to develop or modify a funding model for special

education. The Commission on Special Education has responded to the need for reform in special education finance with AB 1773 (Papan), which would restructure financing and provide for a fiscally neutral funding system, in addition to other program reforms.

At the federal level, proposed regulations to PL 94-142 were issued in August 1982. The regulations follow an executive order of 18 months ago to reduce regulation on the administration of special education programs. Due to public pressure and other factors, Secretary Bell withdrew several of the more controversial provisions and has extended the deadline for public comment. The status of these proposed regulations is uncertain at present.

Although mandate and funding reforms are under consideration, no solutions seem imminent and thus it seems likely that special education funding will continue to present problems for school districts for at least the next few years.

Categorical vs. Master Plan Funding

Funding of special education in California has two primary thrusts: categorical funding versus Master Plan.

Categorical funding was the state aid system which preceeded enactment of the first Master Plan legislation. Categorical aid funding continued until 1980-81 for districts and counties which had not entered the Master Plan.

Categorical funding consisted of 28 separate special day class allowances with different levels of support depending on disability of children served in the class. For each class offered by the district or county office, a certain set amount was given by the state.

Under categorical funding, county offices had property tax authorizations to levy a specific tax for programs for physically handicapped and mentally retarded students. The county office was legally obliged to operate special education programs in districts under 8000 ADA. The county office role in special education is an historic and deep one.

Master plan funding under AB 4040 and AB 1250 consisted of class allowances by four instructional settings. (See description in Appendix A.) State aid of a certain specific amount was given to districts according to the number of classes operated in each setting. For costs in excess of the state aid provided, Master Plan entities could use a permissive property tax to raise the balance.

After Proposition 13, a flat per student amount was used to distribute state aid, replacing the state aid by setting. For each child served in special education, the state gave the Master Plan area a flat amount. Property tax revenues for special education were built into the revenue limit supported by state bailout funds.

Under SB 1870, instructional costs in 1979/80 by instructional setting were determined for each district and county operating special education programs. An annual inflation allowance was provided and noninstructional costs were supported via the support services ratio. A district's support costs in 1979-80 were converted to a "ratio" of their instructional costs. This ratio would be carried forward in future years.

Landmark Court Cases

Court decisions on special education have had massive impact on special education law. The five major principles of special education law established by court decisions are

1. *Zero reject:* No handicapped child may be excluded from a free appropriate public education.
2. *Non-discriminatory evaluation:* every handicapped child must be fairly assessed so that he or she may be properly placed and served in the public schools.
3. *Appropriate education:* every handicapped child must be given an education that is meaningful to the child, taking the child's handicaps into consideration.
4. *Least restrictive placement:* a handicapped child may not be segregated inappropriately from the child's non-handicapped schoolmates.
5. *Procedural due process:* each handicapped child and parent has the right to protest and formally appeal a school's decision about the child's education.

There are two landmark cases in special education based on the principle of zero-reject and the right to an education: *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania, 1972,* and *Mills v. Board of Education of the District of Columbia, 1972.* Both the PARC and Mills cases found that total exclusion of handicapped children from the public schools violates the equal protection clause of the Fifth and Fourteenth Amendments.[1]

The PARC case was decided on October 7, 1971. A three-judge federal court, following a consent agreement by the parties, ordered that all mentally retarded children in Pennsylvania "be given access to a free public program of education appropriate to their learning capacities."

The Mills case was a class action suit in which the plaintiffs were school-age children "who had been denied placement in a public-supported educational program for a substantial period of time." In the Mills case Judge Waddy held that having insufficient funds does not excuse a district's duty to provide an education for handicapped children. He stated

> If sufficient funds are not available to finance all of the services and programs that are needed in the (school) system, then the available funds must be expended equitable in such a manner that no child is excluded from a publicly supported education consistent with his needs and ability to benefit therefrom.

In cases relating to non-discriminatory evaluation, several successful suits have challenged the use of testing instruments (I.Q. tests) to determine if children should be placed in special education classes. In *Diana v. State Board of Education, 1970* (California), Spanish-speaking children claimed they had been improperly placed in classes for the retarded on the basis of inaccurate tests. A consent decree was agreed upon which required that non-English-speaking children be tested in both their primary language and in English and that the tests must not depend on such things as vocabulary, general information, or any other unfair (i.e., culture-specific) verbal question. Further, the consent decree specified that all Chinese and Mexican-American children in classes for the retarded were also to be retested.

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[1]PL 94-142 is part of the Right to an Education movement first articulated in *Brown vs the Board of Education* (Topeka, 1954).

In another landmark case, *Hobson v. Hansen, 1967*, the court ruled that the "tracking" system of educational placement used in the Washington, D.C. public schools was illegal. The plaintiffs argued that the testing procedures used for placement were prejudicial. On the basis of these test scores, children were placed in honors, general, or special (educable mentally retarded) classes. The judge found that there were disproportionate numbers of black children in the special classes and attributed this to cultural bias in the test. In addition, retesting was infrequent, so a student could easily become locked into a certain track. The court, using the equal protection principle, held that the tracking system and its testing procedures "irrationally separated students on the basis of race and socioeconomic background and thereby violated their right to an equal educational opportunity."

The court reached a similar decision in *Larry P. v. Riles 1972* (still pending), stating the I.Q. tests were "suspect" and the school must show that the testing was a rational way to determine the students' ability to learn. When the children in this case were retested by personnel who rephrased the questions, they were no longer classified as retarded.

The fact that a disproportionate number of children of a particular race are in special classes does not necessarily establish a lack of equal protection, but does put a burden on the state to show the tests used for placement were not discriminatory.

In cases relating to the principle of appropriate education, courts have ruled that children in institutions have a right to education. In *Wyatt v. Stickney, 1973*, a right-to-treatment case involving three Alabama institutions, the court ruled that

> Residents shall have a right to receive suitable educational services regardless of chronological age, degree of retardation or accompanying disabilities or handicaps . . . school-aged residents shall be provided with a full and suitable educational program and such programs shall meet prescribed minimal standards.

Similar suits appeared in almost every state in the early 1970s: The parents of handicapped children won every one. State legislatures — partly to comply with the court orders and partly at their own initiative — began passing comprehensive laws to guarantee and fund an education for all handicapped children.

In June 1982, the U.S. Supreme Court decided the *Rowley* case, a lawsuit involving a deaf girl from New York state. A deaf child had been given added services via her Individualized Education Program (IEP) and integrated into the regular classroom; she was achieving adequately and passed each grade. Her parents, however, asked that the district be required to provide an interpreter for her in order for her "to reach her full potential." The Court ruled that the federal law's requirement of a "free and appropriate public education" is satisfied when the State provides personalized instruction with sufficient support services to permit the handicapped child to benefit educationally from that instruction. If the child is being promoted in regular classrooms, as here, the IEP can be reasonably calculated to have enabled the child to achieve passing marks and advance from grade to grade. The court in this case ruled against the parents.

The Rowley case may prove to be a turning point in judicial interpretation of federal special education laws. The court decision clarifies and limits the meaning of the principle of "free appropriate public education" and preserves the rights of schools to provide "reasonable" levels of service while safeguarding the principle of procedural due process.

Chapter 2
What Should Schools Do and For Whom?

The multiple changes in law, the struggle to achieve equitable funding and the court interpretations described in the first chapter indicate that special education presents a series of profound issues to board members, educators and parents. This chapter examines two major issues which will undoubtedly take years to resolve.

What is the Proper Role of Public Schools in the Treatment of Handicapped Children?

This is a fundamental question. The answer in PL 94-142 is direct: the school must identify needs and coordinate and deliver a variety of services to handicapped youth between the ages of 3 and 21. These services are primarily educational for most special education pupils and involve only teachers, aides, special instructional materials, and additional trained staff. For some, however, a series of related services are provided: physical therapy, occupational therapy, nursing services, social worker services, etc.

Should schools be the sole provider of all services to handicapped children? What about services which are medical or custodial? Many districts report that public agencies have withdrawn such services to children and the schools are being pressured to supply the services: crippled children's services, vocational rehabilitation, regional centers, and juvenile justice agencies once providing services to children now expect schools to supply needed services to their school-age clientele. In some cases, districts have been held legally responsible for the non-performance of other public agencies.

In addition, services once supported by parents' resources or private insurance coverage are now being paid by school districts.

Aside from the issue of whether it is appropriate for the school to function as a social service agency, there is the question of limited financial resources. Districts faced with deficits in special education funding frequently must dip into the regular education program fund to fill the gaps; costly *non*educational special services further drain a district's education resources.

The educationally necessary services should be separated from those services involving medical or custodial care of handicapped youth. Assignment of responsibility for the latter to other public agencies and private insurance carriers should be reevaluated in state and federal laws.

New federal regulations proposed for PL 94-142 in August of 1982 would delete three related services formerly required: parental counseling, school social work and school health services. Districts would be given greater latitude to establish a "reasonable" level of related services. (As this report goes to press, the fate of those proposals is uncertain.)

Who Should Be Served in Special Education?

This question is far from simple. It is relatively easy to identify some handicapped children. They are blind, deaf, or in wheelchairs due to a physical handicap. Mildly handicapped children with minor speech or learning problems are more difficult to assess as requiring special education. Over-identification of

Outside Costs — Out of Control

The lack of clear delineation of the school/other agency responsibility in special education makes it difficult for schools to control costs (and their own budgets):

- There are costs over which the district has little or no control: tuition of nonpublic schools and state special school placements. Districts share in these costs without being able to control them.
- Although most costs for special education are for educational service, schools are often billed for medical, custodial or respite care — and such costs can be difficult to control. If outside public agencies provide such service, districts have limited control over the costs billed. This problem, while not insurmountable, places a burden on the district to negotiate agreements with service providers which limit the district's financial liability.

children presents problems just as did the previous under-identification and failure to give students needed special education.

Over-identification can unnecessarily isolate children and damage their self-image. Overidentification also dilutes the human and financial resources available to serve students who *must* have special education.

Districts can avoid over-identification of those who are mildly handicapped by taking some common sense steps prior to placing a child in special education:

- If the child has been referred for speech therapy, determine if the problem is "developmental" — if so, will it disappear as the child matures?
- If the child poses behavior problems or is not progressing adequately in academic subjects in the regular classroom, and the teacher wants the child placed with a resource specialist, consider instead matching the child with another regular-class teacher whose approach might be more compatible to the child's personality.
- If most children are referred to the resource specialist program due to reading problems, examine the reading program at the school for improvement and start a remedial reading program if necessary.

Establishment of eligibility criteria is another step districts can take to ensure that special education resources are spent where they are most needed. In the case of student learning problems, eligibility criteria can establish guidance at the school level as to when a student's achievement or ability gap warrants special education placement or whether simple class changes will solve the problem. To insure against over-placement, assignment policies should consider resources available at the entire school, including regular classroom teachers and other school programs.

The new federal regulations proposed in August 1982, if adopted, will provide guidance in the area of eligibility. These would exclude from special education "those children whose learning problems are primarily the result of inappropriate instructional programs, lack of readiness, delayed maturation or factors external to the child."

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Chapter 3
Governance and the Role of School Boards

Governance Structures

Governance questions have been a major source of concern during the rapid development of new state laws in special education. The issues of responsibility and accountability became complex when districts and county offices joined together to provide service.

Under current state law, district governing boards must decide how they wish to organize their districts within a region to deliver a comprehensive special education program. If large enough, a district need not enter into agreements with other districts. Most districts join regions or local plan areas which involve other districts and/or the county office. The composition of the region must be approved by the county office before submittal to the state; in case the county office declines to approve the district's plan, there is an appeal process for the districts.

The next step is for the region to develop a local plan which will determine

- Which entity is the administering agency.
- Which services will be provided by each entity.
- How decisions will be made.
- How regional services funds will be spent.

Local plan agreements may be entered into as joint powers agreements or by contracts between the parties. (*Education Code*, Sections 56140, 56170, 56200, 56220, 56221).

The 1981/82 Local Plans for 25 regions were examined for their governance structure. The chart below summarizes governance relationships in this sample of regions in California:

Model	Description	No. in Sample
Direct board role	Each board has one representative on a council which votes on substantive issues affecting the Special Education Local Planning Area (SELPA)	4
Program Council	Special education directors from districts in the SELPA decide issues affecting the SELPA. Directors report to their superintendents.	4
Superintendent Council	Each superintendent of the member districts in the SELPA sits on a committee which makes substantive decisions affecting the region.	13
Administrative Council	Council of administrators, one from each district, meets and makes substantive decisions about the SELPA. Administrators may be superintendents or program directors.	2
County board is governing board for region	District boards form an advisory committee for the county board.	1

Governance disputes occur when the parties disagree about the management of a joint program, its cost, supervision of personnel or salary levels. Sharing state aid deficits between districts may create tension within a region, particularly if the districts vary in the percent of students served in special education or in the extent of local general fund contribution to local programs. See the case study in Chapter 4 for an example of conflict resolution via policies and agreements within a region.

The law requires involvement of board members in decision-making for the region. The extent and nature of the involvement is at the discretion of the districts within each region. See the next section for a discussion of the role of the board member in governance.

The Role of the Board

Board members involved with the challenge of public school governance are faced with the ongoing responsibility of equity and program quality for the children of the state.[1] Whether the children are in regular classrooms or special education, governance and development of appropriate programs and budgets demand the same principles of educational excellence and fairness for the students, their parents, the educational staff implementing the programs, and the community.

As board members become familiar with the complexities of special education, there are a number of important considerations they should take into account when making decisions:

1. *Treat special education in the same manner as any other part of the education system.* These children deserve the same degree of attention as the children enrolled in general education programs. Board members coming into office are often unaware of special education. Because of this unfamiliarity, boards may tend to avoid dealing fully and responsibly with special education programs. As board members review the history of special education legislation, court decisions, and issues in Chapters 1 and 2, they will see that many corrective actions were made in attempts to bring equity to the schooling of handicapped children; in some instances the corrections have caused an imbalance on behalf of special education funding and benefits. Encroachment, as discussed in Chapter 1, can be seen as on ongoing problem requiring further equitable action through legislative and regulatory processes.

In special education, just as in general education, board members should

- Be involved in evaluating the quality of programs.
- Become familiar with the processes used to identify childrens' needs.
- Participate in parent meetings to better understand their expectations.
- Do not let yourself be shut out by "educationaleze" or unnecessary complexity.
- Develop methods which will provide free exchange of ideas and ways to bring about increased program quality.

2. *Ensure excellence through program quality.* Today's stress on excellence through quality programs is important in special education. This statement may seem unnecessary, but in some areas special education has not received the

[1]Board members will find that CSBA's *Boardmanship* provides elemental guidance and basic information on policy development, legal requirements, and responsibilities.

amount of attention necessary to ensure that every child has the educational opportunities that will ensure an appropriate education. Numerous reasons may exist which allow this to occur: for instance, lack of adequate funding may cause the teacher/pupil ratio to increase. However, additional funding may not be the only solution: new techniques, increased volunteer recruitment and training, and improved staff development opportunities may be required.

Perhaps the most important ingredient is for the board to provide a positive attitude and high expectations. Recognition of the importance of each special education class and the teaching team who work together to educate each child must be a high priority for every board member. It is the board, in direct association with the superintendent, that sets the environment for educational achievement.

3. *Govern!!* Chapter 4 reveals a case study of classical attempts to minimize the participation by elected lay board members in policy development and governance. It is important to protect this basic responsibility of board members. At the insistence of the previous CSBA Special Education Task Force, the law was changed under SB 1870 (Ch. 797 Stats 1980) to specifically allow elected boards to regain their governance role. However, as can be seen in the survey of governance models in Chapter 3, the overwhelming majority of regions are still governed by superintendent or administrator councils. This approach may have been viewed as the most efficient way to handle a highly complex and difficult part of the public schools' responsibility, but history will show that this has led to a loss of community control through elected officials. The Task Force recommends that boards involved with special education service regions develop a governance model which retains direct control.

4. *Provide recognition.* This past spring at a board meeting of an elementary school district in southern California, an annual awards ceremony was held to honor two sixth-grade children from each school. Proud parents, teachers, administrators, and board members shared in recognizing the highest achieving, most accomplished students. This evening offered a "special" event which gave the awards ceremony additional meaning. The principal of one of the schools introduced a special education teacher who made the following speech recognizing one of her very special students:

> Board members and guests: Most of you have probably never met a deaf-blind person before. Usually one of two thoughts will go through your mind: That he won't be able to do much, or you think of Helen Keller. Tony is neither of these - he is an individual who has fought long and hard to get where he is today. He has had to work harder than any of us can imagine to learn even the simplest things, and he's learned much more than that.
>
> Tony has been in my class for five years, and it has been a pleasure to watch him grow and learn. He has had to work hard to find that learning is important, and to show us his special skills and qualities. His willingness to learn, his good nature and sense of humor have seen him through. Tony is more than his handicaps; he functions beyond their limitations. I don't know that a dual sensory loss, such as deaf-blindness can be *overcome*, but Tony has learned to work with his handicaps in order to achieve beyond most of our expectations, academically and socially. I know that Tony will go on to become a productive, contributing member of the community.
>
> I am honored to present this achievement award to Tony this evening.

The presentation was especially meaningful to the audience. This district has for years been strongly supportive of special education and believes that each child is important and deserves a quality education. We believe that board members everywhere must continue to provide encouragement, recognition, and support for this important area of public education.

5. *Practice boardsmanship.* Boardsmanship includes those other responsibilities that help to produce excellence:

- Legislative advocacy - meeting and communicating with our local legislators to inform them of the needs of the district and the relative merits of proposed legislation.
- Bringing balance - testing what is requested or mandated against the goals and objectives of the district; developing policies which reflect the best for all children. (See Appendix D for sample policies on special education.)
- Evaluation - Board members evaluate the district's programs continuously; most evaluation is informal, occurring when a board member expresses an opinion. Board members must remember that off-the-cuff remarks can be injurious to the individuals involved. Special education programs fall into this arena very easily, since some of the children and staff in special education programs may not act the same as those in regular programs. Before you speak, inform yourself about special education practice and examine your personal biases in light of professional practice.

The role of the board member in special education, as in general education, is never ending. To do it well, you must do it with zeal and great care for the children: Their education is entrusted to your board and to those that you hire, inspire, and rely upon to bring out the best in every child.

Chapter 4
Case Study — Conflict and Resolution

Introductory note: This case study describes a rural region of 22 districts, all but one with ADAs under 10,000. Problem solving and policy development occurred in this region during a time of profound changes in special education law, and the uncertain and troubled times of state deficits in special education. This region's experience underlines the need for working out relationships through written agreements, contracts, and policies, and shows that misunderstandings, differences of opinion and other problems can be resolved to the benefit of all.

Using a local district as the Local Education Agency (LEA) to apply for funds, the County Superintendent of Schools developed the plan. The LEA district board was sent cursory reports when its action was needed to move the plan to its next stage of development toward submission for funding.

The plan was not funded during the initial round of implementation allocations, but after being revised it was funded in the second round under AB 1250. At that time the County Superintendent sought agreement from the local district boards within the region. As districts became acquainted with the provisions of the plan, they recognized the need for greater board control over regional decisions that would affect each district. The county superintendent's view was that, under AB 1250, boards could decide *only* whether they would enter into the regional plan, *not* make decisions about the structure of the plan itself. The county superintendent believed that entry into the Master Plan was inevitable for all districts in the state and that entering early would enable the districts in his region to be ahead of the other areas so that each district would receive more money for special education under the Master Plan.

"After much discussion, compromises were made to bring about district board agreement to enter into the Master Plan. Key points were as follows: there would be an LEA Boards Council that would have input to the Responsible Local Agency (RLA) Superintendent along with the Superintendents Council, Special Education Directors Council, and the Community Advisory Committee; the RLA Director would not be hired without input from the LEA Boards Council and the Superintendents Council. All districts except one voted to enter the Master Plan with the understanding these compromises would be honored.

After the agreement was signed, the RLA Superintendent hired the director without consulting the Boards Council. In general, the LEA Boards Council was treated as another layer of bureaucracy rather than a vital decision-making entity.

At this point the county superintendent retired and a new county superintendent was elected. Some believed that the change of administration would bring about improved relations. This did not occur. At one critical meeting of the LEA Boards Council, no RLA staff attended. The council protested in writing to the RLA Superintendent about this unwillingness to consult with the LEA Boards Council. There was no response, no solution, and no further meetings of the LEA Boards Council.

Board members continued to discuss the problem through the County Trustees Association. A letter was sent from that group to the RLA Superintendent asking for attention to the problems of the region. Meanwhile, financial concerns

had arisen. The RLA budget grew, the county office received full funding, and the districts were left with inadequate remaining funds, and experienced increased encroachment.

The RLA Superintendent's failure to respond to the County Trustees Association letter led to a resolution that was adopted by all boards in the RLA Superintendent's county. The resolution called for a clear role for LEA boards in the adoption of the RLA budget. Each LEA board was to be provided a draft copy of the Comprehensive Plan for Special Education at least 60 days before it was due with the right to make changes and the right of approval of the final document. Deliberations were to begin immediately so that an agreement would be implemented in the next fiscal year, giving LEA boards budgetary and policy control over the Master Plan. Further, the resolution warned that individual LEA boards would not participate in the Master Plan unless the RLA Superintendent agreed to the demands by a specified date.

The RLA Superintendent responded to the resolutions in writing, stating he wanted the Master Plan to work, he was working with staff to improve communication, and requested board cooperation. He agreed to a meeting to discuss the governance and finance issues. Frustrations and resentment regarding the handling of the Master Plan were vented at the meeting in which the RLA Superintendent and his staff discussed finances and their governance procedures. However, the RLA Superintendent agreed to consider board involvement if a majority of the boards wanted it. The two largest districts in the region adopted resolutions to withdraw from the Master Plan unless there was increased involvement by LEA boards in budget and policy by the beginning of the new fiscal year. The withdrawal of these two large districts would take more than half of the children out of the Master Plan area. It was even possible that those two districts, joined with the one large district that had initially stayed out of the Master Plan, could form a separate service region that would be larger than the RLA Superintendent's service region.

Meanwhile, the passage of SB 1870 revised the governance structure for the Master Plan to (1) allow for joint powers agreements or contractual agreements and (2) provide for governing board involvement in regional decision making.

A governance model using a joint powers board and several other models were drafted and discussed. The RLA Superintendent maintained his position: He had only two formal withdrawal statements. Acrimonious meetings were held with districts asking why the RLA would not share decision making with boards and superintendents. Finally, the RLA Superintendent sent a letter to all boards and superintendents resigning as RLA Superintendent.

The task of creating a new governance plan was undertaken. With board and superintendent involvement by all districts, including the district that had stayed out of the Master Plan, a governance model was developed. It provided for a joint powers agreement and a governing council made up of board members and superintendents. Each LEA designated a board member to serve on the governing council; only board members would vote unless they were absent, in which case the vote would be given to the district superintendent. An exception to this procedure is that the county superintendent votes on program and the county board member votes on budget issues.

Other key elements of the joint powers agreement were hammered out. Weighted voting was proposed because of the differences in size of the member

agencies. Responsibilities of the service region and the fiscal and programmatic responsibilities of the member agencies were also major issues.

Once the joint powers agreement was signed by all member agencies, the thorny question of how to take care of fiscal and personnel services was debated and resolved. The member agencies agreed to handle these services through a specific contract with one member agency. Key provisions of the contract were as follows: certificated personnel were to be hired under the categorical funding provision of the *Education Code*; and the regional agency would recommend hiring, firing, and evaluation of those employees. (This gave the regional Governing Council control of the Region Director.)

The hiring of a regional director and the adoption of policy to govern regional affairs were begun immediately. Policies were developed to delineate the roles of each group having a place in the local plan — (Governing Council, Special Education Council, Community Advisory Committee, LEA Governing Boards, and Region Director). Others, such as By-Laws and a policy on policy development, quickly followed. Some issues were deferred until a Region Director was hired: e.g., fiscal responsibility for placement outside LEA of residence; LEA of residence for students placed in licensed children's institutions; placements outside local planning area, and budget plan adoption procedures. Other policies that were deferred were not as controversial, but required expertise or time to work out: employment of region personnel; staff development; evaluation of the region director, review of pupil assignment at teacher request; complaints; due process hearings; and differential standards.

After working as a joint powers agency for a year, the involved agencies developed a policy that divided the region into two sub-regions for program implementation: the budget and evaluation of centralized services will be handled by the full region and each sub-region will act independently in other matters.

The next issue to be resolved through policy will be the transfer of program. This will be a difficult issue but one that can be resolved because a process for working out this and other problems now exists.

Appendix A
Service Delivery Systems

Special education programs are provided in a variety of settings called a range of placements, continuum of service, or instructional setting.

Four Settings

The four most common settings in California are described below:

- *Designated Instruction and Services (DIS).* These are services given by a licensed professional to a child in regular class or special day class. The most common DIS service is speech therapy given on a pull-out basis. Others include physical therapy, occupational therapy, or nursing services.
- *Resource Specialist Program (RSP).* Specially trained resource specialist teachers, often with the help of an aide, give special education to students on a part-time basis. Students served in RSP are also assigned to a regular class. Their school day is spent part-time in regular class, part-time in RSP.
- *Special Day Class (SDC).* Special day class teachers, often with the help of an aide, teach self-contained classrooms. Students in special day class spend all their class time in special education and mix with regular students only on the playground and/or school buses.
- *Nonpublic Schools.* Students whose needs cannot be met in the three settings described above may be placed in a nonpublic school. They attend the nonpublic school at public expense and as a rule do not attend regular public school functions.

Common Features

All of these instructional settings have common features:

- *Entry into each setting is determined by the IEP process.* The IEP is the Individualized Education Plan written by parents and school personnel each year for every child in special education. Certain specific due process procedures must be observed: Parents have the right to appeal decisions made by the IEP team via a state mediation process or a fair hearing officer.
- *The full range of instructional settings must be available to every child in every district.* Districts in regions, called Special Education Local Planning Areas (SELPAS), must decide which district or county office will be responsible for each setting. A common approach is for each district to offer DIS, RSP and most special day classes. Special day classes for severely handicapped children may be the responsibility of one or several districts in the region or the county office so that children resident in one district may attend a special day class in another region. Local plans, derived through mutual agreement, delineate the responsibility of each district and county office to provide special education in each setting.
- *The Program Specialist is a professional hired by the region (SELPA) to enhance special education programs.* Program specialists are trained to serve orthopedically handicapped, learning handicapped, communicationally handicapped or severely handicapped. They may also have a significant role in administration of the region, including nonpublic school placements and due process procedures.

Appendix B
Glossary

Categorical Programs: the specific program which in the past has been identified by legislation and refers to a group of pupils eligible for a particular program; such as, Orthopedically handicapped, TMR, etc.

Designated Instruction and Services: Designated instruction and services are provided by the regular class teacher, the special class teacher, or the resource specialist where feasible. If not, the appropriate designated instruction and services specialist provides the instruction and services. (See Related Services.)

Differentiated Education: The phases of an individual's educational experiences are planned and conducted in accordance with the individual's level of capability and achievement at any given time, and utilize whatever varying program arrangements are required by the individual's constantly changing growth and development needs. Such arrangements may require special class placement, small-group instruction, individual tutoring, or indirect services to the child's teacher and/or parents.

Due Process Procedures for Parents and Children: There are a number of specific procedures written into the law, and expanded in the law, and expanded in the proposed regulations, to protect the rights of children and parents. These safeguards include: due process, nondiscriminatory testing, least restrictive alternative, native language, confidentiality and the right to representation.

Encroachment: The contributions a local district makes with its own general education funds to meet the overall costs of special education. There are two types of encroachment: calculated and actual. Calculated encroachment is determined by adjusting the level of 1979-80 local general fund contributions of a district against the amount of state funds appropriated to the district. Actual encroachment is the amount of general fund revenues actually used to support special education activities in any given year.

Entitlement: The amounts of special education costs of a local agency (school district) which are recognized by the state for the provision of state aid.

Equal Educational Opportunity: The right of each individual to have access not only to an educational opportunity of at least the same duration as all other individuals but one which has been individually tailored in particular response to his own learning characteristics. That opportunity, when individually tailored, may require more than the usual amount of time in school, effort on the part of his teachers and cost to society in dollars.

Excess costs: That portion of educating a handicapped pupil at a private school which was in excess of what was expended for general education pupils.

Free Appropriate Public Education: Special education and related services which (a) are provided at public expense under public supervision and direction and without charge, (b) meet the standards of the state educational agency, (c) include preschool, elementary school or secondary school education and (d) are provided in conformity with an individualized education program.

Full Educational Opportunities Goal: Each state and local education agency must take steps to insure that handicapped children have available to them the variety of programs and services available to non-handicapped children, including art, music, industrial arts, home economics, vocational education, physical education and nonacademic and extracurricular services and activities.

Handicapped Children: Mentally retarded, hard of hearing, deaf, orthopedically impaired, other health impaired, speech impaired, visually handicapped, seriously emotionally disturbed, or children with specific learning disabilities who, by reason thereof, require special education and related services.

Individuals With Exceptional Needs: Persons with handicapping conditions and/or high intellectual abilities who require specialized attention and services in order for the educational experience to be meaningful and effective in their lives.

Individualized Education Program (IEP): Under PL 94-142, IEP means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency (school district) or by an intermediate educational unit, who shall be qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of a handicapped child.

Informed Consent: (1) The parent has been informed of all information relevant to the activity for which consent is sought, in his or her primary language, or other mode of communication such as those used by deaf or blind parents. (2) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and consent describes the activity. (3) The parent understands that the granting of consent is voluntary on the part of the parent.

Interagency Agreements: Written agreements between designated state agencies which include fiscal responsibilities for the provision of special education and related services to handicapped children. Under EC Sec. 56476, such agreements are only enforceable to the extent that such agency is required to provide such services pursuant to federal or state law or interagency agreement.

Least Restrictive Environment: Term found in federal statute, PL 94-142, in the context of the requirement that a state provide all handicapped children a "full educational opportunity"; California statutes set a standard that special education programs are intended to provide that "individuals with exceptional needs are offered special assistance programs which provide maximum interaction with the general school population in a manner which is appropriate to the needs of both." (EC 56001(g)).

Non-Public School Placements: Placements of special education pupils in non-public schools are based on actual costs. Districts are reimbursed for 70% of their excess costs (above revenue limit income). The balance of the costs is borne by the district, resulting in encroachment on a district's local funding. (County offices of education are reimbursed 100% of their actual costs.)

Primary Language: Language other than English normally used by the parent in the home. In the case of a pupil, the language other than English first learned by the pupil or the language normally used by the pupil in the home environment.

Program Specialist: Specialist who holds a valid special education credential, clinical services credential, health services credential or school psychologist credential and has advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in one or more areas: (1) major handicapping conditions; (2) pre-school handicapping conditions; or (3) career/vocational development.

Public Law 94-142: Education for All Handicapped Children Act is legislation passed by the United States Congress and into law by President Gerald R. Ford on November 29, 1975. This law guarantees to all exceptional children "a free and appropriate public education."

Referral: Pupil is referred for special education and services only after the resources of the regular education program have been considered and where appropriate, utilized.

Regional Services: Regional services include those services which benefit an entire special education service region. Funding for regionalized services such as personnel development, development evaluation, data collection, curriculum development and ongoing program revision was provided in SB 1870 at a rate of $30 per special education enrollee.

Related Services: Transportation and such developmental, corrective and other support services as required to help a handicapped child benefit from special education. This includes speech pathology and audiology, psychological services, physical and occupational therapy, early identification and assessment of handicapped conditions in children, school social work services, counseling services (including parent counseling and training, providing parents with information about child development and assisting parents in understanding the special needs of their child), and medical services for diagnostic or evaluation purposes; in California, these services are referred to as designated instructional services.

Resource Specialist: Credentialed special education teacher who has had three or more years of teaching experience, including both regular and special education teaching experience as defined by the Commission on Teacher Preparation and Licensing, and who has demonstrated the competence of a resource specialist (see EC 56362).

Resource Specialist Program: The Resource Specialist Program provides instruction and services to students identified, assessed, and placed within the program by an individualized education program team; provides information and assistance to parents and students; provides consultant and resource materials to parents, students, and regular education teachers; coordinates special education services with regular education programs; monitors pupil progress; at the secondary level, emphasizes academic achievement, career and vocational development, and preparation for adult life.

Revenue: Revenue for special education programs at the state level is generated from five sources: (1) district and county revenue limit funds (based on ADA in special day classes), (2) county offices of education property tax contributions, (3) districts' local general fund contributions, (4) Federal funds (PL 94-142) and state allowances/appropriations.

School District Governing Board (also includes County Boards of Education): Group of citizens elected by qualified voters, or legally appointed, within a legally constituted school district or county to serve in the policy-making, budget approval, and employer-of-record functions.

Search: Those seeking-out activities which include identification, location, screening, and referral, which may lead to assessment of an individual who may be in need of special education services.

Section 504: Basic civil rights provision with respect to terminating discrimination against America's handicapped citizens. No otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Rehabilitation Act of 1973, P.L. 93-112).

Special Day Classes: Programs in special classes and centers are available for the individual with exceptional needs when the nature or severity of the disability precludes their participation in the regular school program for more than half of the school day. Provisions shall be made for their participation with non-handicapped students to the greatest extent possible.

Special Education: Specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

State Plan: Official document approved by the State Board of Education, State Governor, and U.S. Commissioner of Education, describing the long-range plans for effectively administering the annual state allocation granted by Congress under any of its Acts.

Support Services: Support services in special education are all of the ancillary (non-instructional) services needed to support a comprehensive special education program as required by state law.

Appendix C
Index of Common Abbreviations

ADA	Average Daily Attendance
APP	Annual Program Plan, submitted for PL 94-142 compliance
APTA	American Physical Therapy Association
BEH	Bureau of Education for the Handicapped (now Federal Office of Special Education)
CAC	California Administrative Code; Citizens Advisory Committee
CAPSES	California Association of Private Special Education Schools
CASE	California Administrators of Special Education
CASP	California Association of School Psychologists
CASPP	California Association of School Psychologists and Psychometrists
CASSW	California Association of School Social Workers
CCS	California Children Services, within the Department of Health Services
CCSDCS	California Child Service Demonstration Center System
CEC	Council of Exceptional Children
CFR	Code of Federal Regulations
CH	Communicatively Handicapped
CITSH	California In-Service Training for Severely Handicapped
CSE	Commission on Special Education (California state advisory panel)
CTP&L	Commission on Teacher Preparation and Licensing
DCH	Development Center for the Handicapped
DIS	Designated Instruction and Services
E&PT	Eligibility and Planning Team
EAS	Educational Assessment Service
EC, E.C.	Education Code
EDGAR	Educational Division General Administrative Regulations
EH	Educationally Handicapped (now called Learning Handicapped)
EHA	Educational Handicapped Act
EIA	Economic Impact Analysis; Economic Impact Aid
EMR	Educable Mentally Retarded
ESEA	Elementary and Secondary Education Act, Title I
FAPE	Free Appropriate Public Education
FY	Fiscal Year
GEPA	General Education Provision Act
HOH	Hard of Hearing
IDAA	Inter-District Attendance Agreement
IEP	Individualized Education Program
IG	Incentive Grant
IHE	Institute of Higher Education
IPP	Individual Program Plan
IWENS	Individuals With Exceptional Needs
LD	Learning Disabilities
LDG	Learning Disabilities Group
LEA	Local Educational Agency
LEAPSE	Local Educational Agency Plan for Special Education

LES/NES	Limited English Speaking/Non English Speaking
LEP/NEP	Limited English Proficiency/Non English Proficiency
LRA	Least Restrictive Alternative
LRE	Least Restrictive Environment
LREE	Least Restrictive Educational Environment
MEP	Monitoring and Enforcement Plan
MP	Master Plan
MPSE	Master Plan for Special Education
MR	Mentally Retarded
MTU	Medical Therapy Unit
NA	Needs Assessment
NP	Non-Public School
Non MP	Non Master Plan
OCD	Office of Child Development
OCR	Office of Civil Rights
OH	Orthopedically Handicapped
ORTHO	Orthopedically Handicapped
OSE	Office of Special Education (within State Department of Education)
OT	Occupational Therapy
PAC	Personnel Advisory Council
PDC	Personnel Development Committee
PDPIC	Professional Development Program Improvement Centers
PH	Physically Handicapped
PMP	Pregnant Minors Program
PS	Program Specialist
PT	Physical Therapy
RC	Regional Centers
RLA	Responsible Local Agency
RS	Resource Specialist
RSP	Resource Specialist Program
SAP	State Advisory Panel
SAT	School Appraisal Team
SDC	Special Day Class
SDE	State Department of Education
SEA	State Education Agency
SEH	Severely Emotionally Handicapped
SELPA	Special Education Local Planning Area
SESR	Special Education Services Region
SH	Severely Handicapped
SIG	State Implementation Grants
SLD	Specific Learning Disabilities
TF	Task Force
TMR	Trainable Mentally Retarded
USOE	United States Office of Education
VH	Visually Handicapped

Appendix D
Sample Policies

Note: These policies are included only as examples of what one Special Education Services Region developed. No endorsement is made or intended.

10000 — Special Education Local Planning Area
10500 — Students

Placement Outside LEA of Residence: Fiscal Responsibility **Policy 10508**

The Special Education Coordinating Agency believes in responsible program planning within the constraints of available funding. Local policies and procedures must be fair and equitable to all districts and county offices of education. The LEA of residence is responsible for all students who reside within their district, (except Licensed Children's Institution/Local Agreement).

It is therefore the responsibility of each district/county office to assure a free appropriate education for each special education student for whom it is responsible. This responsibility may be met by direct provision of services, establishing agreement with another public agency, or contracting with a non-public school/agency. The Special Education Coordinating Agency is committed to a system of cooperative regional planning in order to assure a continuum of services within the local planning area. This end can best be achieved through the assurance of equitable funding.

Therefore it is the policy of the Special Education Coordinating Agency that when a student is served outside his/her LEA of residence, the LEA of service:

1. Will be assigned IPSU's from the LEA of residence for students served in accordance with adopted formulas;
2. Will be guaranteed funding on a per pupil basis as follows:
   - 2.1 Establishment of LEA Budget. The LEA of service is guaranteed funding on a per pupil basis at the level established by existing law as of the adoption of the state budget for the ensuing fiscal year.
     - 2.1.1 Each LEA will establish its expenditure budget based on full funding of current state law as of the date of adoption of the state budget. Should state law be subsequently amended to reduce special education funding, each LEA will make every effort to reduce expenditures.
     - 2.1.2 The LEA of residence will be responsible to assure that no statewide funding deficit be applied to programs operated by another LEA on behalf of its resident pupils. Such a responsibility will be assured on a per pupil basis.
   - 2.2 Method of Determination of Costs

2.2.1 Reporting — Current state and federal reporting requirements have established December 1 and April 15 as dates for determining the number of pupils receiving special education within the Local Planning Area. These dates will also be used to determine the number of students receiving services outside their district of residence for the purpose of this policy. Students in attendance for both count dates will be considered in attendance for 100% of the school year, while students counted on only one of the two reporting dates will be considered to have attended for 50% of the school year.

2.3 Establishment of Deficit Billing — Every effort will be made to establish accurate cost figures at P1 in order to facilitate planning. Actual charges will be established with the certification of P2. Each LEA will be notified of its responsibilities for reimbursement of serving LEAs at the earliest possible date.

3. Services In Excess of Established Program.

3.1 Should the LEA of service choose to provide a program with costs in excess of established funding levels, as outlined in section 2.0 above, these costs will be bourne by the serving LEA with the following exceptions:

3.1.1 Some programs require generalized services above those allowed within the established funding model (i.e., additional instructional aide for DCH and OH pupils). Such services will be identified by the Special Education Council and presented to the Special Education Coordinating Agency Governing Council for approval. Responsibility for funding these services will be determined in accordance with section 2.2 above.

3.1.2 Certain students need specific services which require separate funding. These services (i.e. OT/PT, specialized assessments) are the responsibility of the district of residence as long as they are contained in the student's IEP and are agreed to in advance by the sending and receiving LEA's.

4. Inter LEA Transfers

Uniform procedures for Inter LEA transfers will be utilized.

Date Approved by Governing Council: First Reading: December 3, 1982
Second Reading: March 5, 1982

10000 — Special Education Local Planning Area
10200 — Administration

Regional Organization **Policy 10252**

Beginning July 1, 1982, the San Benito/Santa Cruz Special Education Local Planning Area shall be divided into two sub-regions along County Office of Education boundary lines. Each sub-region shall be operationally independent but shall operate in accordance with the following provisions:

1. The Special Education Coordinating Agency Governing Council as a whole shall meet at least annually to set budget and evaluate centralized services.
2. Except for centralized services, the two sub-regions shall be fiscally independent.
3. Each sub-region shall develop necessary sub-regional bylaws and procedures to facilitate its operation.
4. The sub-regions shall share and have access to centralized services in proportion to their relative contribution in support of those services.
5. In the case of students served across county lines within the region, the receiving district shall be reimbursed in accordance with regional policy by the appropriate IPS units plus any necessary and reasonable excess costs.
6. An Executive Committee consisting of the Special Education Coordinating Agency Governing Council Chairperson and a Vice Chairperson from each sub-region will be established.
7. Meetings of the entire Special Education Coordinating Agency Governing Council may be called by majority vote or majority petition (verbal or written) of either sub-region or by a majority of the Executive Committee.
8. In the Santa Cruz sub-region weighted voting will prevail in the following form:

   Pajaro — 2.5 votes
   Santa Cruz City — 1.5 votes
   One vote each for all other LEAs
9. The Special Education Council and the Community Advisory Committee will form sub-regional groups and shall meet as committees of the whole at least annually.

Date Approved by Governing Council: First Reading: April 1, 1982 — adopted

Local Plan Review and Adoption **Policy P-10820**

The Governing Council of the San Benito/Santa Cruz Counties Special Education Service Region directs that the local plan for special education be annually reviewed and revised as necessary. It is desirable that all interested parties have the opportunity to review and make suggested changes in the local plan. It is desirable that the specifics of governance be developed by the Governing Council with input from LEA boards, and the specifics of operations be developed by professional personnel. To this end, the Governing Council directs as follows:

The *Special Education Coordinating Agency* shall be responsible for making certain that the review is timely, that all concerned bodies have ample opportunity for review and comment, and that all the requirements of the law regarding local plan review and adoption are met. The SESR Director shall:

- Coordinate all plan review and update activity.
- Make certain that the calendar is adhered to.
- Develop a procedure to receive input from LEA Boards, the Community Advisory Council, the Special Education Council, the Governing Council, and selected staff. Transmit such input to the appropriate body.
- Assist the Special Education Council in their work on the plan.
- Secure the necessary authorizations.
- Print and distribute the plan to all LEA Boards and Superintendents, the Special Education Council, and Community Advisory Council. Sufficient copies shall be printed so that all members of the aforementioned bodies shall have copies.
- Maintain those parts of the plan locally which are not filed with the State Department of Education.
- Make available all parts of the plan for public review.
- Submit the adopted plan for filing with the State Department of Education.

The *Special Education Council* shall recommend the:

- Service delivery model.
- Identification, screening, referral, assessment, instructional planning, implementation, and review procedures.
- Personnel development program.
- Review and make recommendations concerning the budget plan.

The *Community Advisory Council* shall perform the following functions:

- Review the plan.
- Receive input from community members.
- Make recommendations to the SECA Director.
- Recommend annual priorities to be addressed by the plan.

The *Governing Council* shall perform the following functions:

- Review and adopt policies to be included in the plan.
- Review and finalize governance model.
- Adopt the annual budget plan at an advertised public hearing.
- Review and recommend agreements and contracts between LEAs.

- Review and adopt agreements and contracts between Executive Board and other agencies.
- Review and approve the revised plan and refer to the LEA Boards for adoption.

LEA Boards shall perform the following functions:

- Review and recommend necessary changes in the governance model.
- Provide input to the SESR Director and the SEC on desired changes in other parts of the plan.
- Adopt contracts and agreements for services.
- Adopt the revised plan and notify the Director of such action.

Activities must adhere to the following calendar: (All dates are to be considered the latest possible date by which a given function must be performed.)

October 31	LEA Boards shall review the current plan and notify the Director of any desired changes.
November 30	The Governing Council shall review changes recommended by LEA Boards.
December 15	The Community Advisory Council shall have reviewed the current plan and made recommendations to the SECA Director and/or Governing Council.
December 31	The Governing Council shall notify the Superintendent of Public Instruction of their desire, if any, to change the governance model.
January 15	The Special Education Council shall have performed the work outlined above.
January 15	The Governing Council shall determine the governance model, hold a public hearing on and adopt the budget plan, and review and recommend agreements and contracts.
January 28	The plan shall be printed and distributed to the Community Advisory Council and LEA Boards.
February 28	The Community Advisory Council shall review the plan and make recommendations to the Governing Council.
February 28	LEA Boards shall review the plan and make recommendations to the Governing Council.
February 28	LEA Boards and the Governing Council shall adopt contracts and agreements for services.
March 7	The Governing Council shall review the CAC and LEA Boards' recommendations, incorporate changes, approve the entire plan, and transmit to LEA Boards for adoption.
April 10	LEA Boards shall adopt the plan and so notify the SECA Director.
April 15	The SECA Director shall file the final, adopted plan with the State Department of Education.

From April 15 on, the SECA Director shall make all parts of the plan available for public review. The SECA Director may develop reasonable procedures for such review.

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